



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,270	06/06/2001	John Bunda	5226-01300	8812

7590

09/21/2006

Eric B. Meyertons
CONLEY, ROSE & TAYON, P.C.
P.O. Box 398
Austin, TX 78767-0398

EXAMINER

PATEL, JAGDISH

ART UNIT PAPER NUMBER

3693

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,270

Applicant(s)

BUNDA, JOHN

Examiner

JAGDISH PATEL

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-57 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1, 7, 9-13, 16, 19, 23, 35,36, 38, 39, 40, 46 and 54-57 are generic claims and are included in each of the following inventions.

Invention I: Claims 2-4, 8, 24-26, 37 are drawn to a computer-implemented method for displaying information related to securities based upon a **market center portion of the received quotes, which comprise a small order, exchange system.**

Invention II: Claim 5, 27 are drawn to a computer-implemented method for displaying information related to securities based upon a **common market center, a common price and a common trading direction.**

Invention III: Claim 6, 28 are drawn to a computer-implemented method for displaying information related to securities wherein the **received quotes combined comprise different market centers, a common price and a common trading direction.**

Invention IV: Claim 14, 41 are drawn to a computer-implemented method for displaying information related to securities wherein displaying the combined quotes comprises **automatically displaying the combined quotes to a user in real-time.**

Invention V: Claims 15, 42 are drawn to a computer-implemented method for displaying information related to securities wherein displaying the combined quotes comprises **automatically displaying the combined quotes within thirty minutes of receiving a quote from a second or subsequent market center for the common price and the common trading direction for the security.**

Invention VI: Claims 16, 43 are drawn to a computer-implemented method for displaying information related to securities based upon **receiving a quote in a first computer system and displaying the combined quotes on the first computer system.**

Invention VII: claims 17, 18, 44, 45 are drawn to a computer-implemented method for displaying information related to securities based upon **receiving a quote in a first computer system and displaying the combined quotes on a second computer system, wherein the first and the second computers are coupled over a computer network.**

Art Unit: 3693

Invention VIII: claims 20, 21, 47-53 are drawn to a computer-implemented method for displaying information related to securities based upon **displaying the combined quotes based upon the user configuration data.**

Invention IX: claims 22, 29-31, 32-34 are drawn to a computer-implemented method for displaying information related to securities based upon **ranking of market centers based upon the user preferences for trading.**

Note that the examiner has grouped corresponding method and apparatus (or system) claims having common features.

Inventions I through IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, each subcombination recites a non obvious features, which are variants of the displaying combined quotes of a security, such features render the inventions of each of the subcombinations distinct and non-obvious over the other subcombinations as explained in the following examples.

subcombination I has separate utility such as displaying combined quotes based upon a **market center portion of the received quotes, which comprise a small order exchange system.** This subcombination is separately usable from each on of the subcombinations II-IX. For example, subcombination II is usable for displaying information related to securities wherein the **received quotes combined comprise different market centers, a common price and a common trading direction.** **The feature of invention I is distinct and non-obvious from the feature of the invention II the received quotes comprise distinct features of the received quotes.** Likewise, subcombination III is usable for displaying information related to securities wherein displaying information related to securities wherein the **received quotes combined comprise different market centers, a common price and a common trading direction.** **This feature is a feature is a non obvious variant of the market portion of the received quotes different from those claimed in inventions I and II.** subcombination I has separate utility such as **automatically displaying the combined quotes to a user in real-time.** This

Art Unit: 3693

feature is usable together with subcombinations I-III such as for automatically displaying the combined quotes in real-time.

The examiner has presented only exemplary analysis of the subcombinations I-IV and shown that features of each subcombinations are distinct and non-obvious over each other while usable together in a single combination of displaying combined quotes.

Inventions V-IX are like wise contain features, which are non-obvious variants of the features recited in each of the other inventions.

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

2. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 3693

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

5. No telephone interview was conducted due to complexity of the restriction requirement and since the examiner knows from past experience that an election will not be made by telephone. (see MPEP 812.01)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

9/17/06